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Intellectual Property Practice

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OFFICIAL BUSINESS

Date: November 17, 2005

To: Examiner: Brian K. Talbot
Art Unit: 1762

Fax No.: (571) 273-1428*

From: Stephen P. Burr

Subject: U.S. Application Ser. No. 10/666,879
Filed: September 19, 2003
Conf. No.: 8895
Title: PIEZOELECTRIC ELEMENT AND PROCESS FOR PRODUCTION
THEREOF


Our Ref.: 791_160 DIV3

You should receive 6 page(s) including this cover sheet. If you do not receive all pages, please call (315) 233-8300.

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that the following paper(s) is/are being facsimile transmitted to (571) 273-1428 at the Patent and Trademark Office on November 17, 2005:

- | | |
|--|----------------|
| • Submission of Terminal Disclaimer (1 page) | <u>1</u> page |
| • Terminal Disclaimer (2 pages) (in duplicate) | <u>4</u> pages |
| • This Cover Sheet | <u>1</u> pages |


Total Pages 6
Janet M. Stevens

* At the specific request of Examiner Talbot, this paper is being transmitted directly to his personal fax number.

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Practitioner's Docket No.: 791_160 DIV3

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Toshikatsu KASHIWAYA and Mutsumi KITAGAWA

Ser. No.: 10/666,879

Group Art Unit: 1762

Filed: September 19, 2003

Examiner: Brian K. Talbot

Confirmation No.: 8895

For: PIEZOELECTRIC ELEMENT AND PROCESS FOR PRODUCTION THEREOF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Janet M. Stevens
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SUBMISSION OF TERMINAL DISCLAIMER

Sir:

Examiner Talbot telephoned applicant's undersigned representative on November 10, 2005, and indicated that this application would be allowed if applicants agreed to file a Terminal Disclaimer with respect to USSN 10/428,216 and USSN 10/354,647. The '216 application issued as U.S. Patent No. 6,713,123 and the '647 application issued as U.S. Patent No. 6,652,905.

In order to expedite the prosecution of the present application, filed herewith is a Terminal Disclaimer with respect to the '123 and '905 patents. Accordingly, this application is now in condition for allowance.

Respectfully submitted,

November 17, 2005

Date

Stephen P. Burr
Stephen P. Burr
Attorney for Applicant(s)
Reg. No. 32,970

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Practitioner's Docket No.: 791_160 DIV3

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TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER PRIOR PATENTS

Sir:

Your petitioner, NGK Insulators, Ltd., residing at 2-56, Suda-Cho, Mizuho-Ku Nagoya-City, Aichi-Prefecture 467-8530, Japan, represents that it is the owner of the entire right, title and interest in U.S. Patent Application Ser. No. 10/666,879, filed September 19, 2003.

Except as provided below, petitioner hereby disclaims the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of U.S. Patent Nos. 6,713,123 and 6,652,905, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent Nos. 6,713,123 and 6,652,905, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantees, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patents, as presently shortened by any terminal disclaimer, in the event that either patent later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37

- 2 -

CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned has reviewed the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the petitioner identified above.

The undersigned is an attorney of record.

FEE STATUS
(37 C.F.R. § 1.20(d))


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FEE PAYMENT

☐ Attached is a check in the amount of \$.

☒ Charge Account No. 50-1446 in the amount of \$130.00. A duplicate of this request is attached.

Respectfully submitted,



Stephen P. Burr
Attorney for Applicant(s)
Reg. No. 32,970

November 17, 2005
Date

SPB:jms

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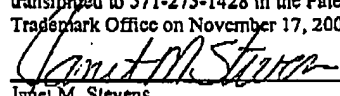
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Janet M. StevensTERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
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The undersigned has reviewed the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the petitioner identified above.

The undersigned is an attorney of record.

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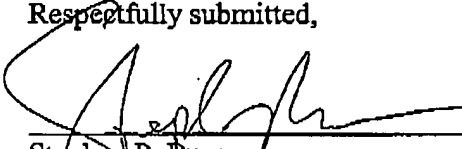
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